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09/858,328	05/15/2001	Robert Vogel	18360/215625	3579
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ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			POPHAM, JEFFREY D	
			ART UNIT	PAPER NUMBER
			2137	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/858,328

Applicant(s)

VOGEL ET AL.

Examiner

Jeffrey D. Popham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Remarks***

Claims 1-35 are pending.

***Response to Arguments***

1. Applicant's arguments, see Remarks, filed 2/10/2006, with respect to the rejection(s) of claim(s) 1-35 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made with Wood (U.S. Patent 6,609,198) in view of Murphy (U.S. Patent 6,226,744), Zimmerman (Zimmerman et al., "Building an Intranet with Windows NT 4", 8/1996, contents (pp. 1-7), pertinent chapters 2 (pp. 1-17) and 10 (pp. 1-10), obtained from <http://www.vanwijk.com/-=%20Bookz%20=-/Building%20An%20Intranet%20With%20Windows%20Nt%204/>), and UPS OnLine Tracking (UPS, "UPS OnLine Tracking Information", version 1.3, 5/18/1998, pp. 1-4).

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The use of the language "facilitating" in each of the steps of the independent claims (and some dependent claims) renders these claims indefinite. As defined in the

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specification, "if something is "facilitated", it is made possible." By merely allowing something to be possible does not constitute performing any function whatsoever. If this facilitating language were removed from the claims, this rejection could be overcome. As an example, the first step of claim 1 could read "transmitting a Request from said First Party to said Second Party, said Request being to allow said First Party to access said Third Party Information held by said Second Party".

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5, 8, 10, 11, and 33-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Wood (U.S. Patent 6,609,198).

Regarding Claim 1,

Wood discloses a method of authorizing the transfer of various types of information within a group of parties, the parties including a first party (client/user/browser), a second party (gatekeeper/entry handler system), and a third party (authorizer/company that sets the authorizations), the first party holding first party information, and the third

party having an interest in third party information held by the second party, comprising:

Facilitating a request from the first party to the second party, the request being to allow the first party to access the third party information held by the second party (Column 7, lines 58-66);

Facilitating the forwarding of the first party's request from the second party to the third party, the request accompanied by an authorization code (session token/identifier/credential) authorized by the second party (Column 9, lines 29-55 and Column 13, lines 11-19);

Facilitating authorization of the first party's request by the third party by the transfer of the authorization code from the third party to the first party (Column 13, lines 19-36); and

Facilitation of the presentation of the authorization code from the first party to the second party, such that the first party is authorized to obtain the third party information from the second party (Column 13, line 65 to Column 14, line 20).

Regarding Claim 2,

Wood discloses allowing the first party to designate a related internal party to receive the authorization code from the third party (Column 13, lines 45-64).

Regarding Claim 3,

Wood discloses that the access to at least a portion of the third party information can be later withdrawn (Column 14, lines 25-33).

Regarding Claim 5,

Wood discloses that the third party information relates to parcel delivery (Column 1, lines 34-56; and Column 18, lines 16-26).

Regarding Claim 8,

Wood discloses that the third party information relates to credit information (Column 1, lines 34-56; and Column 10, lines 18-26).

Regarding Claim 10,

Wood discloses that the first party and the third party are different sub-entities within an overall commonly-controlled entity (Column 10, lines 18-26).

Regarding Claim 11,

Wood discloses that the first party and the third party are different entities within an overall commonly-controlled company (Column 10, lines 18-26).

Regarding Claim 33,

Wood discloses a method of authorizing the transfer of various types of information within a group of parties, the parties including a first party, a second party, a third party, and a third party designee, the first party holding first party information, the third party having an interest in third party information held by the second party and the third party

designee independent of the second party and having the authority to act on behalf of the third party, including:

Facilitating a request from the first party to the second party, the request being to allow the first party to access the third party information held by the second party (Column 7, lines 58-66);

Facilitating the forwarding of the first party's request from the second party to the third party designee, the request accompanied by an authorization code authorized by the second party (Column 9, lines 29-55; Column 13, lines 11-19; and Column 19, lines 24-55);

Facilitating the authorization of the first party's request by the third party designee by the transfer of the authorization code from the third party designee to the first party (Column 13, lines 19-36; and Column 19, lines 24-55); and

Facilitation of the presentation of the authorization code from the first party to the second party, such that the first party is authorized to obtain the third party information from the second party (Column 13, line 65 to Column 14, line 20).

The third party designee is the authorizer, and the third party can be taken in either of two ways. The third party can be the company/organization that is delegating authorization functions to the authorizer; or the third party can be the other components that receive

credentials authorized by the authorizer and trust the authorizer's authorization of such, as seen in Column 19.

Regarding Claim 34,

Wood discloses a method of authorizing the transfer of various types of information within a group of parties, the parties including a first party, a second party, and a third party, the first party holding first party information, and the third party having an interesting in third party information held by the second party, comprising:

Facilitating a request from the first party to the second party, the request being to allow the first party to access the third party information held by the second party (Column 7, lines 58-66);

Facilitating the forwarding of the first party's request from the second party to the third party, the request accompanied by an authorization code (session token/identifier/credential) generated by the second party (Column 9, lines 29-55 and Column 13, lines 11-19);

Facilitating authorization of the first party's request by the third party by the transfer of the authorization code from the third party to the first party (Column 13, lines 19-36); and

Facilitation of the presentation of the authorization code from the first party to the second party, such that the first party is authorized to obtain the third party information from the second party (Column 13, line 65 to Column 14, line 20).



Regarding Claim 35,

Wood discloses a method of authorizing the transfer of various types of information within a group of parties, the parties including a first party, a second party, a third party, and a third party designee, the first party holding first party information, the third party having an interest in third party information held by the second party and the third party designee independent of the second party and having the authority to act on behalf of the third party, including:

Facilitating a request from the first party to the second party, the request being to allow the first party to access the third party information held by the second party (Column 7, lines 58-66);

Facilitating the forwarding of the first party's request from the second party to the third party designee, the request accompanied by an authorization code generated by the second party (Column 9, lines 29-55; Column 13, lines 11-19; and Column 19, lines 24-55);

Facilitating the authorization of the first party's request by the third party designee by the transfer of the authorization code from the third party designee to the first party (Column 13, lines 19-36; and Column 19, lines 24-55); and

Facilitation of the presentation of the authorization code from the first party to the second party, such that the first party is authorized to

obtain the third party information from the second party (Column 13, line 65 to Column 14, line 20).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood in view of Zimmerman (Zimmerman et al., "Building an Intranet with Windows NT 4", Chapter 2, 8/1996, pertinent chapters 2 (pp. 1-17) and 10 (pp. 1-10), obtained from <http://www.vanwijk.com/-=%20Bookz%20=-/Building%20An%20Intranet%20With%20Windows%20Nt%204/>).

Regarding Claim 4,

Wood discloses creating logs of access requests that come into the second party (Column 17, lines 52-64); but does not explicitly disclose reporting by the second party to the third party as to who has access to the third party information and their access status.

Zimmerman, however, discloses facilitating reporting by the second party to the third party as to who has access to the third party information and their access status (Chapter 10, Page 10). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention

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to incorporate the intranet security methods of Zimmerman into the authentication and authorization system of Wood in order to determine who is attempting to access materials that they are not allowed, and what activities a hacker has performed or attempted to perform, thus allowing the system to be modified to exclude such behavior.

Regarding Claim 7,

Wood does not disclose that the third party information relates to medical records.

Zimmerman, however, discloses that the third party information relates to medical records (Chapter 2, Page 4). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the intranet resources of Zimmerman into the authentication and authorization system of Wood in order to provide a vast set of information on the company's intranet, so that employees can obtain needed information on many topics in a fast and efficient manner, such as finding out what is covered by a particular health plan in a confidential and private manner.

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood in view of UPS OnLine Tracking (UPS, "UPS OnLine Tracking Information", version 1.3, 5/18/1998, pp. 1-4).

Regarding Claim 5,

UPS OnLine Tracking discloses that the third party information relates to parcel delivery (Pages 1-3). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the tracking system of UPS OnLine Tracking into the authentication and authorization system of Wood in order to allow authorized personnel to track any packages that the company is sending or receiving so as to obtain the current status and history of shipments and provide proof of delivery.

Regarding Claim 6,

Wood discloses that the third party information relates to parcel delivery (Column 1, lines 34-56; and Column 18, lines 16-26), but not that it includes delivery name and address and reference number.

UPS OnLine Tracking, however, discloses that the third party information relates to parcel delivery, and includes delivery name and address and reference number (Pages 1-3). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the tracking system of UPS OnLine Tracking into the authentication and authorization system of Wood in order to allow authorized personnel to track any packages that the company is sending or receiving so as to obtain the current status and history of shipments and provide proof of delivery.

6. Claims 12-14, 17, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood in view of Murphy (U.S. Patent 6,226,744).

Regarding Claim 12,

Wood discloses a method of authorizing the transfer of various types of information within a group of parties, the parties including a first party, a second party, and a third party, the first party holding first party information and the third party having an interest in third party information held by the second party, including:

Facilitating a request from the first party to the second party, the request being to allow the first party to access the third party information held by the second party (Column 7, lines 58-66);

Facilitating the forwarding of the first party's request from the second party to the third party, the request accompanied by an authorization code authorized by the second party (Column 9, lines 29-55 and Column 13, lines 11-19);

Facilitating authorization of the first party's request by the third party by the storage of the authorization code on a smart card and the transfer of the authorization code from the third party to the first party (Column 9, lines 29-55; Column 11, lines 4-16; and Column 13, lines 11-19); and

Facilitation of the presentation of the authorization code from the first party to the second party, such that the first party is authorized to

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obtain the third party information from the second party (Column 13, line 65 to Column 14, line 20);

But does not disclose that the forwarding step comprises transferring the smart card via hand deliver to a physical address associated with the third party.

Murphy, however, discloses that the smart card is transferred via hand delivery to a physical address associated with the third party (Column 4, lines 15-20). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the smart card system of Murphy into the authentication system of Wood in order to provide the high security of smart cards to users who do not already own smart cards, and to do so without the need to install additional hardware or software at the client.

Regarding Claim 13,

Wood as modified by Murphy discloses the method of claim 12, in addition, Wood discloses allowing the first party to designate a related internal party to receive the authorization code from the third party (Column 13, lines 45-64).

Regarding Claim 14,

Wood as modified by Murphy discloses the method of claim 12, in addition, Wood discloses that the third party information relates to parcel delivery (Column 1, lines 34-56; and Column 18, lines 16-26).

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Regarding Claim 17,

Wood as modified by Murphy discloses the method of claim 12, in addition, Wood discloses that the third party information relates to credit information (Column 1, lines 34-56; and Column 10, lines 18-26).

Regarding Claim 19,

Wood as modified by Murphy discloses the method of claim 12, in addition, Wood discloses that the first party and the third party are different sub-entities within an overall commonly-controlled entity (Column 10, lines 18-26).

Regarding Claim 20,

Wood as modified by Murphy discloses the method of claim 12, in addition, Wood discloses that the first party and the third party are different entities within an overall commonly-controlled company (Column 10, lines 18-26).

7. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood in view of Murphy, further in view of UPS OnLine Tracking.

Regarding Claim 14,

UPS OnLine Tracking discloses that the third party information relates to parcel delivery (Pages 1-3). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the tracking system of UPS OnLine Tracking into the authentication and

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authorization system of Wood as modified by Murphy in order to allow authorized personnel to track any packages that the company is sending or receiving so as to obtain the current status and history of shipments and provide proof of delivery.

Regarding Claim 15,

Wood discloses that the third party information relates to parcel delivery (Column 1, lines 34-56; and Column 18, lines 16-26), but Wood as modified by Murphy does not that it includes delivery name and address and reference number.

UPS OnLine Tracking, however, discloses that the third party information relates to parcel delivery, and includes delivery name and address and reference number (Pages 1-3). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the tracking system of UPS OnLine Tracking into the authentication and authorization system of Wood as modified by Murphy in order to allow authorized personnel to track any packages that the company is sending or receiving so as to obtain the current status and history of shipments and provide proof of delivery.

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wood in view of Murphy, further in view of Zimmerman.



Wood as modified by Murphy does not disclose that the third party information relates to medical records.

Zimmerman, however, discloses that the third party information relates to medical records (Page 4). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the intranet resources of Zimmerman into the authentication and authorization system of Wood as modified by Murphy in order to provide a vast set of information on the company's intranet, so that employees can obtain needed information on many topics in a fast and efficient manner, such as finding out what is covered by a particular health plan in a confidential and private manner.

***Allowable Subject Matter***

9. Claims 9 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 21-32 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter: The closest prior art, Chaganti (U.S. Patent 6,845,448), Walker (U.S. Patent 5,884,272), Wood (U.S. Patent 6,609,198), Wolven (U.S. Patent 6,246,994), and Futagami (U.S. Patent 6,754,665) all disclose various systems for authorizing access to information within a three party system. What Chaganti, Walker, Wolven, and Futagami

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are lacking is the forwarding of the first party's request from the second party to the third party, along with the authorization code generated or authorized by the second party, to the third party for subsequent authorization by the third party (as in all of the independent claims). They all contain some forwarding, whether that be in the form of an authorization code or the request, but none forward both the request and the authorization code. Wood, however, teaches this forwarding of the request and authorization code to the third party, but the third party is not a human regulating access to his/her own personal information (as in claim 9). Independent claims 21, 31, and 32 require hand delivery of the request accompanied by the authorization code to a physical address associated with the third party. In order to retrieve this delivery, there is inherently a human obtaining the request and authorization code at this physical address and subsequently authorizing the request.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Popham whose telephone number is (571)-272-7215. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571)272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeffrey D Popham  
Examiner  
Art Unit 2137

  
**EMMANUEL L. MOISE**  
**SUPERVISORY PATENT EXAMINER**